

201212317

Ali Cheikhali

A man was riding his bike on the sidewalk when officers stopped him to issue a summons. The man challenged them verbally, and people who were in the lower-level of a nearby building who observed the incident came outside. One man who came outside was the owner of the building; the building had exterior security cameras that recorded the entire incident. When civilians approached the officers who were giving the man on the bicycle a summons, the officers called for backup. The officers began to arrest the man on the bike, and one officer pushed a member of the crowd back. In their interviews, the officers stated that the members of the crowd had assaulted them.

The video showed that one officer, PO Cheikhali, had struck civilians with his handcuffs and had kicked a civilian who was on the ground. During his CCRB interview, PO Cheikhali admitted punching a civilian, but stated he had not held his handcuffs while doing so, and stated he couldn't remember whether he kicked someone. Paperwork filled out by PO Cheikhali after the incident indicated that he claimed he had been injured by his handcuffs, and the video showed him striking a civilian with the handcuffs. When shown the video in slow motion, PO Cheikhali stated that he did not have handcuffs in his hands, though they were visible in the video. When shown video of him kicking the man on the ground, PO Cheikhali said that he was not kicking the man but only trying to get his balance. Other officers identified PO Cheikhali and acknowledged that he had the handcuffs in his hand, per the video.

The CCRB found that the officer who had pushed a member of the crowd back was exonerated because the man had attempted to interfere with a lawful arrest. It found that PO Cheikhali had used excessive force by striking a man with his handcuffs and kicking someone who was on the ground. It also found that he made a false official statement by denying he was holding the handcuffs, which was contradicted by his paperwork and the video.

PO Cheikhali was tried at the administrative prosecution unit and punished by forfeiting 10 vacation days. He has since been promoted to Lieutenant.

The NYPD did not punish PO Cheikhali for the false statement and the CCRB allegations are listed only as "other misconduct" in a letter from the district attorney.

Interview Details

October 1, 2012, 2:34 p.m.

[REDACTED] is a [REDACTED]-year-old black male, who is 6'0" tall, weighs 165 pounds, with black hair and brown eyes. [REDACTED] is employed by [REDACTED].

On September 23, 2012, at approximately 11:15 p.m., [REDACTED] was at his friend's baby shower, which took place in a basement of a building located in the vicinity of [REDACTED] in Brooklyn. There were approximately 40 to 50 people at the celebration. [REDACTED] only identified [REDACTED] as being present at the baby shower out of all the guests. [REDACTED] was walking in and out of the basement because it was hot inside. When he and [REDACTED] exited the basement at approximately 11:15 p.m. for an unknown reason, they observed [REDACTED] standing bent over the hood of a police car and bleeding from the forehead. The police car was parked on [REDACTED] and was on the same side as the basement. An officer, PO1, held [REDACTED] down by pushing on his back. [REDACTED] was already in handcuffs. There was one officer to the right of PO1, PO2, and two to the left, PO3 and PO4. PO1 was a white male in his 30s, approximately 6'2" to 6'3" tall and weighed about 210 to 220 pounds. PO2 was a slim white male who stood approximately 5'10" tall. [REDACTED] could not estimate the age of PO2. PO3 was a slim white male in his late 20s to early 30s and between 5'7" to 5'8" tall. PO4 was white male between 5'9" to 5'10" tall. [REDACTED] could not describe PO4 any further. A fifth officer, PO5, was walking back and forth on the street, and was an average build white male in his late 20s to early 30s and approximately 6'2" tall. [REDACTED] and [REDACTED] were approximately ten feet away from [REDACTED] when they first observed him. There were about 10-15 police officers in uniform already at the scene, and about three patrol cars. Additionally, there was a crowd of approximately 10-15 people watching the incident, including [REDACTED]

[REDACTED] became upset at the fact that [REDACTED] got arrested and attacked by the officers and began to curse. [REDACTED] told the officers that he knew criminal justice and asked, "What the fuck is this?" [REDACTED] also asked the officers why they attacked and arrested [REDACTED] and stated, "This is not fucking right." [REDACTED] did not address his questions to a specific officer and spoke to all of them. [REDACTED] was gesticulating with his arms as he spoke to the officers. [REDACTED] who was laying still on the hood of the car, told [REDACTED] to calm down. [REDACTED] did not hear [REDACTED] speak to the officers and vice versa. [REDACTED] approached PO3, who stood by the police car where [REDACTED] was being held, and asked him what was going on. PO3 told [REDACTED] that he was not aware of the circumstances surrounding [REDACTED] arrest and that he was at the scene for crowd control. PO3 then said that he was a military guy and he felt closed in. [REDACTED] told the crowd of people to give PO3 an arm's length. A marked police van and two additional patrol cars, numbers unknown, with more officers arrived at the scene. [REDACTED] did not see how many more officers arrived. The officers instructed the crowd of people to get off the block. One of the officers, PO6, approached the crowd of 10 to 12 people and also instructed them to get off the block. PO6 was a black male in his late 20s to early 30s and between 5'6" and 5'7" tall. PO6 instructed the crowd to disperse again by saying, "Get out of the way. You are blocking pedestrians from passing on the sidewalk." [REDACTED] complied and backed away into a wall. PO6 approached [REDACTED] pushed him in the chest with one hand and stated, "Get off the fucking block." [REDACTED] read the name of PO6 as Sgt. Claxton. [REDACTED] did not sustain any injury as a result of being pushed in the chest and he did not trip or fall. [REDACTED] asked Sgt. Claxton why did everyone need to get off the block, and Sgt. Claxton replied, "Get off the fucking block." Another officer, PO7, pulled out a can of pepper spray and pointed at the crowd. PO7 was a slim white male in his late 20s to early 30s and approximately 6'2" to 6'3" tall. PO7 said, "Do you want us to pepper spray you?" referring to the crowd of people. [REDACTED] and [REDACTED] complied with the instructions and walked north on [REDACTED] and crossed [REDACTED]

[REDACTED] and [REDACTED] stood at the northwest corner of [REDACTED] and [REDACTED] remained on the sidewalk of [REDACTED] for approximately five to ten minutes. There were approximately five to seven police officers. [REDACTED] said that two of them were females, PO8 and PO9, and five males. PO8 was white, between late 20s and early 30s, approximately 5'5" tall, slim build and had blond hair. PO9 was also white in her late 20s to early 30s, about 5'5" tall, slim build and with black hair. One of the male officers, PO10, was a slim Asian (Indian) in his late 20s to early 30s, approximately 6'2" tall and had black hair. [REDACTED] was asking these officers what was going on and told them that what happened to [REDACTED] was wrong. [REDACTED] did not use profanity when speaking to the officers. Some of the officers responded that they did not know what happened and told everyone to go home.

Approximately five to ten minutes later, Sgt. Claxton walked over to the center of [REDACTED] and [REDACTED] and instructed the crowd of people to disperse. Sgt. Claxton then turned towards [REDACTED] and [REDACTED]

Interview Details

and said out loud, "Let's get them. None of them are leaving here tonight." [REDACTED] saw Sgt. Claxton, PO8, PO9, PO10 and a few other officers rush towards him. [REDACTED] saw some of the people run away but he did not know who they were. [REDACTED] did not try to flee, and Sgt. Claxton grabbed [REDACTED] by his right arm upon approaching him. Sgt. Claxton pulled [REDACTED] arm behind his back and pushed [REDACTED] against the gates. [REDACTED] right side of his body made contact with the gate, including his right shoulder and the right side of his face. [REDACTED] sustained an injury to his right shoulder and a sore lip. [REDACTED] did not see where were [REDACTED] and [REDACTED] at that point. Sgt. Claxton then punched [REDACTED] approximately three to five times in the center of his lower back and handcuffed him. Sgt. Claxton instructed another officer, PO11, to escort [REDACTED] to the van. PO11 was a white male in his late 20s to early 30s, between 6'2" to 6'3" tall and weighed about 180 to 210 pounds. While [REDACTED] was walking to the police van, he asked PO11 why he was being arrested. PO11 told [REDACTED] that he was arrested for assaulting an officer and resisting arrest. [REDACTED] said that PO11's name could have been PO Demarco. When PO Demarco and [REDACTED] reached the van, another officer, PO12, told [REDACTED] "Go to the other fucking side of the van." PO12 was a muscular white male in his mid-30s, 6'2" to 6'4" tall and weighed about 220 pounds. PO11 left [REDACTED] by the van and went to a patrol car.

[REDACTED] sat in the back of the van, on the right side, and had dropped his hat while in the van. [REDACTED] asked PO12 to pass him his hat, and PO12 replied, "Here is your fucking hat," and tossed it on the front seat. [REDACTED] had no further interaction with any of the officers. [REDACTED] was transported to the 67th Precinct stationhouse with three officers in the van, PO12, PO13 and PO14. PO13 was a muscular white male in his mid-30s and stood between 6'0" to 6'2" tall. PO14 was a white male and had laceration on his hand. [REDACTED] could not describe PO14 any further. Once at the stationhouse, [REDACTED] was placed in a cell. [REDACTED] shoulder was sore from being pushed into the gates at the scene, and he asked for medical attention. An officer, PO15, who was working on some papers told [REDACTED] "Okay."

Approximately forty five minutes to an hour later, Sgt. Claxton approached [REDACTED] and told him that the circumstances surrounding his apprehension did not make sense, and he told [REDACTED] that he should not be in the cell. [REDACTED] told Sgt. Claxton that he just wanted to know what happened to [REDACTED] because he was his close friend. Sgt. Claxton informed [REDACTED] that he could be charged with assaulting an officer and resisting arrest but he would release [REDACTED] with a summons. [REDACTED] did not say anything to Sgt. Claxton. [REDACTED] said that while at the stationhouse, he read the name of Sgt. Claxton from his uniform. [REDACTED] was issued a summons for disorderly conduct. [REDACTED] could not read the name of the officer who issued him the summons, but said it was not Sgt. Claxton .

After [REDACTED] was released from custody, he went to the [REDACTED] Hospital to seek medical treatment for his back and right shoulder. An x-ray was done and the doctor informed [REDACTED] that his shoulder was normal and there were no injuries. [REDACTED] was given Naproxen for pain and discharged from the hospital to self-care on the same day.

[REDACTED] said that [REDACTED] resides at [REDACTED], in Brooklyn, and his telephone number is [REDACTED]. [REDACTED] did not know any contact information for [REDACTED].

4:46 p.m.

Interview Details

October 11, 2012, 2:21 p.m.

[REDACTED] is a 37-year-old black male, who is 6'0" tall, weighs 240 pounds, and has black hair and brown eyes. [REDACTED] is self-employed. He was interviewed at 252 [REDACTED] in Brooklyn.

On September 23, 2012, at approximately 11:35 p.m., [REDACTED] who is the owner of [REDACTED] in Brooklyn, was in the vicinity of his business establishment. There were approximately six officers in uniform, PO1-PO6, standing at the location. PO1 was a white female in her mid to late 20s, approximately 5'9" tall, between 150 and 155 pounds and with blond hair. PO2 was an Asian male between 25 to 30 years, approximately 5'7" tall and 170 pounds, with short black hair. PO3 was a stocky white male between 25 and 30 years old, approximately 5'9" tall, about 250 and 260 pounds, and with short black hair. PO4 was a skinny white male in his early 30s, approximately 5'9" tall, about 170 pounds, and with short black hair. PO5 was a white male between 25 and 32 years old, approximately 5'8" tall and about 190 or 195 pounds. PO6 was a white male between 30 and 35 years old, approximately 5'8" tall, about 185 pounds and with black hair. [REDACTED] did not know names or shield numbers of any of the officers. [REDACTED] provided the basement of the barber shop to his associate, [REDACTED] to celebrate a baby shower. Approximately 20 people were in attendance. There are several video cameras installed inside and outside of the barber shop with a television set in the basement that allowed partial viewing of [REDACTED]. [REDACTED] observed via the closed circuit television (CCT) in the basement a male individual on a bicycle approach one of the baby shower attendants at the corner of [REDACTED]. The male individual was black, between 20 and 25 years old, approximately 5'7" tall, about 150 pounds and with black shoulder length dread locks. The male individual rode the bicycle on the sidewalk. After a brief conversation, the male individual on the bicycle rode away. A minute later, the male individual on the bicycle returned to the location by riding the bicycle on the sidewalk again and was approached by PO4 and PO6. The officers spoke to the male individual on the bicycle, and [REDACTED] stepped outside after he saw via the CCT that the officers were interacting with the male individual. [REDACTED] did not know the name or contact information for the male individual who was riding the bicycle.

[REDACTED] asked the officers what was going on, when PO6 pushed him away in the chest using one hand approximately three times. [REDACTED] did not trip or fall down as a result of being pushed back. PO6 did not issue [REDACTED] any verbal instructions prior to pushing him. [REDACTED] stood approximately three feet away from PO6 and spoke in a calm voice. [REDACTED] brother, [REDACTED] saw via the CCT that [REDACTED] was pushed by an officer and went outside. [REDACTED] followed [REDACTED] outside. Once outside, [REDACTED] asked the officers what was going on, and one of the officers pushed [REDACTED] away. [REDACTED] did not know which officer pushed [REDACTED] away. [REDACTED] friends grabbed [REDACTED] and pulled him to the side away from the officers. [REDACTED] walked back to the officers. [REDACTED] pulled up his pants as he approached the officers and said, "Officers." PO3 approached [REDACTED] and began to push him in the chest repeatedly approximately 15 feet into the street. [REDACTED] backed into a wall and PO3 began to punch him in the chest three to four times. PO3 then wrapped his arms around [REDACTED] and slammed him on the ground. [REDACTED] fell on his stomach. PO3 began punching [REDACTED] in the face three to four times, while PO4 approached with handcuffs in his hand and struck [REDACTED] with them in the head approximately six times. Another officers, PO5, approached [REDACTED] and kicked him approximately ten times on the left side of his body, while PO6 struck [REDACTED] with a night stick. [REDACTED] observed blood coming from [REDACTED] head. [REDACTED] told PO2, who was standing and watching the incident, that the force was unnecessary, and PO2 did not respond.

There were approximately 20 people standing and watching the incident. [REDACTED] became upset and began to scream at the officers, asking what they were doing. Another brother of [REDACTED] known to the CCRB as [REDACTED] was also yelling at the officers telling them that [REDACTED] was his younger brother. [REDACTED] and [REDACTED] approached the officers who were with [REDACTED] and [REDACTED] and other individual held them back to prevent them from further approaching the officers. [REDACTED] told [REDACTED] and [REDACTED] to calm down. [REDACTED] did not hear [REDACTED] and [REDACTED] use any profanity toward the officers. PO3 stood up [REDACTED] and PO4 and PO5 escorted Mr. Andres to a car. [REDACTED] was placed on the hood of a car, and PO2 called for backup over the radio. Approximately five to ten minutes later, a police van and three to four police cars, numbers unknown, with 12 to 15 additional officers responded. [REDACTED] stated that there were two sergeants at the scene, one of whom he knew from a previous incident. He described the sergeant, SGT1, as a white male between 30 to 37 years old, approximately 5'8" to 5'9" tall, about 200 pounds and with short black hair. [REDACTED] did not know the name or shield number of SGT1.

Interview Details

[REDACTED] observed a male individual, known to the CCRB as [REDACTED] stand on the corner of [REDACTED]. The backup officers were telling everyone to move, and [REDACTED] observed [REDACTED] comply. [REDACTED] told the officers, "That's fucked up," referring to the way they handled [REDACTED]. Approximately three officers who responded as backup approached [REDACTED] and one of them pushed [REDACTED] in the chest using two hands. [REDACTED] hit a wall as a result of being pushed. [REDACTED] did not see [REDACTED] fall down or sustain any visible injuries. [REDACTED] stood across the street when he observed the officers' interaction with [REDACTED]. [REDACTED] described one of the three officers, PO7, as white male, between 210 and 220 pounds, and approximately 6'0" tall. The second sergeant, SGT2, was described only as a black male. [REDACTED] was handcuffed and placed in the police van. [REDACTED] did not see [REDACTED] get punched, and he did not hear any of the police officers use profanity when talking to [REDACTED].

[REDACTED] said that his uncle, [REDACTED], may have witnessed the incident. He said that [REDACTED] can be reached at [REDACTED], and his address is [REDACTED].

3:18 p.m.

Interview Details

March 22, 201, 10:10 a.m.

Sgt. Sean Claxton is a 29-year-old black male, who is 5'7" tall, 185 pounds, with black hair and brown eyes. On the day of the incident, Sgt. Claxton worked alone in uniform from 10:00 p.m. to 5:35 a.m. Sgt. Claxton was assigned as a Spike Overtime Supervisor, a detail for a high crime area which entails supervising five foot posts. Sgt. Claxton worked in a marked RMP. Sgt. Claxton recorded in his memo book that on September 23, 2012, at 11:45 p.m., he responded to request for additional units at the corner of [REDACTED]. Two members of the service, PO Cheikhali and PO Lamoriello, are transported to Downstate Hospital due to line of duty injuries.

On September 23, 2012, at approximately 11:45 p.m., Sgt. Claxton responded to a request for additional units on the corner of [REDACTED] in Brooklyn. Sgt. Claxton was at the 67th Precinct stationhouse when he heard the request for additional units. Sgt. Claxton got in a marked RMP and drove to the incident location. Approximately two minutes later, Sgt. Claxton arrived on scene and observed about 70 civilians and between 20 to 30 police officers on scene. The officers appeared to just stand around and were not doing anything. Five out of eight officers who Sgt. Claxton supervised that night were on scene, and the rest of the officers Sgt. Claxton did not know because they were assigned to Impact. Sgt. Claxton instructed the officers to disperse the crowd and then went to speak to PO Cheikhali. The officers were dispersing the crowd by verbally telling the civilians to leave. He observed some of the civilians comply with the instructions, while others remained.

Sgt. Claxton asked PO Cheikhali what happened. PO Cheikhali said that he and his partner approached an individual on a bicycle, who punched PO Cheikhali's partner in the face and they began fighting. PO Cheikhali informed Sgt. Claxton that him and his partner were assaulted and he called for additional units to the scene. When Sgt. Claxton arrived, the individual on the bicycle who assaulted PO Cheikhli and his partner was already handcuffed and placed in an RMP. Sgt. Claxton instructed the officers on scene to continue to disperse the crowd. Sgt. Claxton observed three males shout obscenities toward police officers who were telling them to leave. One of the individuals shouting obscenities was identified by Sgt. Claxton as [REDACTED]. Sgt. Claxton could not understand everything [REDACTED] and the two individuals were yelling because they had thick Jamaican accents. However, he was able to understand curse words such as "bumbaclot," "pussy hole," and "Go fuck you mama." Sgt. Claxton did not hear any other officers tell [REDACTED] or any of the civilians that they would be pepper sprayed. Sgt. Claxton did not remember saying, "Get off the fucking block" or "Get the fuck out of here," and he did not hear any other officer do so.

Sgt. Claxton personally instructed [REDACTED] several times to leave. Sgt. Claxton explained that [REDACTED] would walk across the street with the two other individuals, and when Sgt. Claxton went to further investigate what happened, [REDACTED] would return and continue yelling. [REDACTED] went across the street and back to the incident location approximately four times. [REDACTED] never left the corner of [REDACTED]. On the fourth time Sgt. Claxton instructed [REDACTED] to come over, and [REDACTED] with two other individuals crossed the street. Sgt. Claxton followed them and grabbed [REDACTED] by his arm because he was the closest to him. [REDACTED] struck Sgt. Claxton in his hand and pushed him away. Sgt. Claxton pulled back while one of the Impact officers, who was near Sgt. Claxton, grabbed [REDACTED] by his arms and placed him against an iron gate of a closed business. Sgt. Claxton did not see that officer strike [REDACTED] in the back, and Sgt. Claxton denied striking [REDACTED]. Sgt. Claxton did not know the name or shield number of the officer who grabbed [REDACTED]. Sgt. Claxton did not know names of any of the Impact officers at the scene because he was not an Impact supervisor. [REDACTED] was handcuffed by Sgt. Claxton and escorted to a marked police vehicle. Sgt. Claxton did not remember if it was a van or a patrol car. Sgt. Claxton did not tell [REDACTED] "Go on the other fucking side of the van," "Here is your fucking hat," and he did not hear any other officer do so. Sgt. Claxton did not remember [REDACTED] complain of any injuries. Sgt. Claxton did not remember if there were any officers in the police vehicle, and he did not know who transported [REDACTED] to the stationhouse.

[REDACTED] was transported to the 67th Precinct stationhouse. The crowd was dispersed because [REDACTED] and the two other individuals were no longer stirring up the crowd. Upon arrival at the stationhouse, Sgt. Claxton instructed PO Ali to issue [REDACTED] a summons for disorderly conduct. Sgt. Claxton did not use any profanity during this incident, and he did not use any additional force besides what he already described.

The video footage from the incident location was played for Sgt. Claxton to help the CCRB identify the officers at the scene. At 11:37 p.m. the video shows several civilians backing up and several officers walking toward the civilians. There is a bald heavy-set male officer in uniform wearing glasses walking toward the crowd. Sgt. Claxton was unable to identify that officer because his back was turned toward the camera but he did identify himself in the video. Sgt. Claxton said that in the video he is telling the

Interview Details

civilians to leave the scene. Sgt. Claxton said that it was one of the times when [REDACTED] had left and returned to the scene. At 11:30 p.m., there is an Asian male police officer with glasses and in uniform. Sgt. Claxton could not identify that officer and was presented with a copy of the Roll Call. Sgt. Claxton could not identify that officer after reviewing the Roll Call. He said that he knew the officers fighting the male individual on the ground, known to the CCRB as [REDACTED]. Sgt. Claxton said that PO Lamoriello was the officer on the ground holding [REDACTED] and PO Cheikhali was the officer with handcuffs in his hand.

Sgt. Claxton was shown the second video with the view of corner of [REDACTED]. At 11:37 p.m., the video shows officer from a different angle and Sgt. Claxton was unable to identify any of the officers because the video was too grainy.

10:38 a.m.

Interview Details

PO Marc Demarco is a 24-year-old white male, who is 5'11" tall, 200 pounds, with black hair and brown eyes. On the day of the incident, PO Demarco worked in uniform from 7:00 p.m. on September 22, 2012 to 4:05 a.m. on September 23, 2012. PO Demarco was assigned as Sgt. Diany's operator, in marked RMP [REDACTED]. PO Demarco recorded in his memo book that on September 23, 2012, at 10:45 p.m. he responded to a request for additional units at [REDACTED]. At 10:55 p.m., PO Demarco resumed patrol.

On September 23, 2012, at approximately 10:45 p.m., PO Demarco was at the 67th Precinct stationhouse when he heard over the radio a request for additional units at [REDACTED] in Brooklyn. Upon arrival on scene, PO Demarco observed a disorderly crowd and one individual already in handcuffs, who is known to the CCRB as [REDACTED]. The people in the crowd were cursing and yelling. PO Demarco did not remember any of the specifics. The officers at the scene were trying to disperse the crowd. One of the officers was identified by PO Demarco as Sgt. Claxton. PO Demarco did not remember if he assisted with dispersing the crowd, and he did not remember issuing any instructions. PO Demarco did not hear any officers mention pepper spray, and he did not threaten the crowd with the use of pepper spray. PO Demarco did not recall if Sgt. Claxton said, "Get the fuck out of here" and "Get off the fucking block." PO Demarco did not remember making those statements.

One of the friends of [REDACTED] known to the CCRB as [REDACTED] walked across the street and became belligerent. [REDACTED] was blocking traffic and was yelling. PO Demarco did not remember what [REDACTED] was yelling. [REDACTED] was approached by Sgt. Claxton and an unspecified number of additional officers and arrested. PO Demarco did not remember how many officers approached [REDACTED]. [REDACTED] did not comply with being handcuffed by moving his arms around. PO Demarco did not remember how long it took the officers to handcuff [REDACTED]. It took more than one officer to handcuff [REDACTED] because he was resisting. PO Demarco did not remember what happened to [REDACTED] next. PO Demarco did not remember [REDACTED] being escorted to a police vehicle, and PO Demarco did not remember personally escorting [REDACTED] to a police vehicle. PO Demarco did not remember making any physical contact with [REDACTED]. PO Demarco did not strike [REDACTED] on his back. PO Demarco did not see Sgt. Claxton strike [REDACTED] on the back. PO Demarco did not see any officer strike [REDACTED] on his back. PO Demarco did not see [REDACTED] get pushed into a gate.

PO Demarco remembered that there was a police van at the scene, however, he did not remember if it was assigned to Patrol Borough or the 67th Precinct. PO Demarco did not know which officers were in the van. PO Demarco did not remember who far away he was from the police van. PO Demarco did not remember telling [REDACTED] "Go on the other fucking side of the van" and "Here is your fucking hat." PO Demarco did not hear any officer make those statements. PO Demarco did not hear [REDACTED] complain of injuries. PO Demarco could not estimate how far away he was from [REDACTED].

PO Demarco noted that PO Cheikhali sustained a couple of cuts to his hand. PO Demarco did not know how PO Cheikhali sustained the injury. PO Cheikhali was the only officer PO Demarco observed with an injury. PO Demarco did not remember seeing any injuries on the prisoners.

Interview Details

Witness Officer: PO MARIA VOSKOBOYNIK

- *PO Maria Voskoboynik is a 25-year-old white female, who is 5'10" tall, 160 pounds, with brown hair and brown eyes.*
- *On the day of the incident, PO Voskoboynik worked in uniform and alone from 10:00 p.m. to 6:35 a.m. PO Voskoboynik was assigned to a single foot post No. 5 on [REDACTED]*

Memo Book Entries

PO Voskoboynik recorded in her memo book that on September 23, 2012, at 11:05 p.m. she stopped a male at the corner of [REDACTED] for riding his bicycle on a side walk. A large crowd formed while requesting the male to provide his identification. One black male shoved a member of service and a call for additional units was made. Two black males were arrested for disorderly conduct, obstruction of governmental administration and resisting arrest. At 1:30 a.m., PO Voskoboynik reported to the stationhouse for administrative paperwork and at 2:30 a.m. she resumed patrol.

CCRB Statement

On September 23, 2012, at approximately 11:05 p.m., PO Voskoboynik was standing at the corner of [REDACTED] in Brooklyn. PO Voskoboynik was with two other officers, who were also assigned to nearby foot posts. She identified them by name as PO Ali Cheikhali and PO Michael LaMoriello from the 67th Precinct. There were two additional officer nearby, one of whom was identified as PO Cassidy Tibbets from the 67th Precinct. PO Voskoboynik did not know the name of the fourth officer but said that he was Asian. There was a party in the basement of a barbershop on [REDACTED]

[REDACTED] PO Voskoboynik, who was standing at the intersection, observed a male individual exit the basement of the barbershop, get on a bicycle and ride away on the sidewalk. She did not issue him any warnings or instructions. Approximately five minutes later, the male individual returned to the barbershop by riding his bicycle on the sidewalk again. PO Voskoboynik made a decision to stop him and issue him a summons because, she explained, it constituted a violation. PO Voskoboynik asked the male individual for an identification, and the male individual asked why he was stopped and why he had to give his identification. PO Voskoboynik had to ask the male individual more than once for the documentarian before he complained. PO Voskoboynik interacted with the male individual for a couple of minutes when a crown began to gather. PO Cheikhali also interacted with the male on the bicycle. PO Voskoboynik could not estimate how many people gathered to spectate the incident. PO Voskoboynik felt threatened by the crowd because they were interfering with her duties.

A few people from the crown were trying to get involved with PO Voskoboynik issuing a summons to the male individual by asking why the male on the bicycle was stopped, what did he do and why the officer was harassing him. The few individuals from the crowd interacted with the officers for a couple of minutes before a fight broke out. One of the individual from the crowd, identified by PO Voskoboynik as [REDACTED] was yelling back and forth with PO LaMoriello before he punched the officer. PO Voskoboynik did not observe [REDACTED] punch PO LaMoriello because she was still interacting with the male on the bicycle. PO Voskoboynik said that she was later informed by PO LaMoriello that he was punched in the face by [REDACTED]

It was PO Voskoboynik's understanding that PO LaMoriello was punched at that point based on her interaction with him. When PO Voskoboynik turned her head to see what was happening, she observed PO LaMoriello push [REDACTED] outward with open hands in his shoulders. [REDACTED] stumbled back a few feet. [REDACTED] became upset because he took his shirt off and charged back at PO LaMoriello. [REDACTED] was a few feet away from PO LaMoriello when he charged at him. PO Voskoboynik did not hear [REDACTED] say anything to the officers prior to charging at PO LaMoriello. PO Voskoboynik did not see [REDACTED] get pushed into the street, and she did not see [REDACTED] walk around a car prior to approaching PO LaMoriello.

Once [REDACTED] charged at PO LaMoriello, he was placed on the ground. PO Cheikhali was with PO LaMoriello and assisted in arresting [REDACTED]. PO Voskoboynik did not remember how PO LaMoriello brought [REDACTED] to the ground. The crowd went over to [REDACTED] and PO LaMoriello, and PO Voskoboynik did not see what was happening until she went around the crowd to try to help the officers handcuff [REDACTED]. PO Voskoboynik did not issue any instructions to the crowd. PO Voskoboynik had to walk on the street in order to approach PO LaMoriello and PO Cheikhali because the people were blocking the sidewalk. When PO Voskoboynik approached PO LaMoriello and PO Cheikhali, [REDACTED] was already on the ground. [REDACTED] was kicking his legs, flailing his arms and moving around his body while he was on the ground. [REDACTED]

[REDACTED] made physical contact with the officers while he was on the ground, but PO Voskoboynik could not elaborate any further. Additionally, [REDACTED] tried to get up while PO LaMoriello was trying to keep [REDACTED] on the ground. PO Voskoboynik was by [REDACTED] legs and did not see what actions PO Cheikhali was taking to handcuff [REDACTED]. PO Voskoboynik used her handcuffs to handcuff [REDACTED]. PO Voskoboynik did not know what PO Tibbets and the Asian male

Interview Details

officer were doing. However, PO Voskoboynik said that she was later informed that PO Tibbets was attempting to disperse the crowd. It took the officers a few minutes to handcuff [REDACTED]. PO Voskoboynik did not punch or kick [REDACTED] and she did not see any other officer do so. PO Voskoboynik did not strike [REDACTED] with a nightstick or an asp, and she did not see any other officer do so. PO Voskoboynik did not see PO Cheikhali or PO LaMoriello strike [REDACTED] in the face with handcuffs. PO Voskoboynik did not pass her handcuffs to any officer, and she did not see any officer have their handcuffs out. PO Voskoboynik saw [REDACTED] bleed from his back because he was shirtless on the ground.

The backup arrived after [REDACTED] was handcuffed and placed on a vehicle. Mr. Andres still attempted to escape after being handcuffed. The crowd was still shouting at the officers and someone threw a bottle at PO Voskoboynik. The bottle hit her in the back and broke. PO Voskoboynik did not know who threw the bottle at her. PO Voskoboynik did not immediately feel the pain. She said that she went to a hospital after the incident. PO Cheikhali and PO LaMoriello also went to a hospital after the incident, but she did not see any injuries on them.

PO Voskoboynik did not know the names of the backup officers. She remembered Sgt. Sean Claxton of the 67th Precinct at the scene. There were other sergeants at the scene but PO Voskoboynik could not name them. PO Voskoboynik did not know if officers from other precincts responded. The backup officers tried to disperse the crowd by instructing them to move. The crowd was not complying with the instructions. PO Voskoboynik was with [REDACTED] at the time the backup officers were trying to disperse the crowd. PO Voskoboynik did not hear any officer say, "Get off the fucking block" or "Get the fuck out of here," and she did not remember making these statements. PO Voskoboynik did not hear any officer threaten with the use of pepper spray if the crowd did not disperse.

PO Voskoboynik remembered that one more individual got arrested at the scene, who is known to the CCRB as [REDACTED]. The photo of [REDACTED] was presented to PO Voskoboynik, and she did not recognize him. PO Voskoboynik remembered that [REDACTED] was acting disorderly by yelling and cursing but could not remember the specifics. PO Voskoboynik did not remember if she saw [REDACTED] later that night and added that she was not paying attention to him. PO Voskoboynik did not see how [REDACTED] was arrested. PO Voskoboynik did not see [REDACTED] get punched, and she did not see Sgt. Claxton interact with [REDACTED] at the scene. There were police vans at the scene, and PO Voskoboynik was near the vans but could not estimate the distance. PO Voskoboynik did not hear Sgt. Claxton tell [REDACTED] "Go to the other fucking side of the van" and "Here is your fucking hat." PO Voskoboynik did not hear Sgt. Claxton use any profanity during this incident, and she did not hear any other officer use profanity toward [REDACTED].

PO Voskoboynik saw PO LaMoriello and PO Cheikhali at the 67th Precinct stationhouse and prepared Line Of Duty paperwork. PO Voskoboynik did not speak to PO LaMoriello or PO Cheikhali when she was preparing the arrest paperwork. PO Voskoboynik was presented with the copy of the Criminal Court Complaint Report and given the opportunity to review it. The Court Complaint noted specific injuries to PO LaMoriello and PO Cheikhali, and PO Voskoboynik was asked if she remembered the injuries upon reviewing the report. PO Voskoboynik stated that she saw both officers at the stationhouse and they told her that they were not feeling well. PO Voskoboynik added that they had taken a highly active antiretroviral therapy (HAART), known as cocktail, not to contract HIV since they were exposed to [REDACTED] blood. PO Voskoboynik saw PO Cheikhali's hand wrapped up, and she did not see the lacerations as noted in the Criminal Court Complaint.

The video footage from Investigative Action (IA) 39 was played for PO Voskoboynik. The individual on the bicycle was seen riding away from the incident location at 11:25 p.m., as shown on the video. At 11:26 p.m., the male individual is seen returning to the location by riding his bicycle on the sidewalk and was approached by police officers. At 11:27 p.m. the officers are still interacting with the male on the bicycle. PO Voskoboynik could not point herself out at 11:27 p.m. At 11:29 p.m., more people exited the basement and approached the officers. At 11:29 p.m., an officer is seen pushing an individual back. At 11:29:18 p.m. and at 11:29:27 p.m., the officer is seen pushing two civilians away. PO Voskoboynik stated that she did not see the pushing because at that time she was still interacting with the male individual on the bicycle. The video shows a civilian on the street, who was identified based on his actions as [REDACTED] walk around a vehicle that was parked on the street and approached an officer who appeared to be PO LaMoriello. At 11:29:33 p.m., [REDACTED] and PO LaMoriello appear to have a brief interaction. At 11:29:39 p.m., PO LaMoriello and [REDACTED] engaged in a physical altercation, and PO Voskoboynik said that she did not remember that altercation. At 11:29:56 p.m., PO Voskoboynik pointed herself out on the video as the officer who is standing behind the officer who is kneeling and next to a light pole. PO Voskoboynik stated that at that point in the video she is deciding on how to get around [REDACTED] to handcuff him. PO Voskoboynik did not have her handcuffs out yet but stated that she had removed her asp just in case. At 11:30:09 p.m., PO Voskoboynik kneeled and focused on handcuffing [REDACTED].

The video footage from IA 40 was played for PO Voskoboynik. At 11:29:22 p.m., PO Voskoboynik could not identify who were the officers on the video because they had their backs toward the camera. At 11:29:48 p.m., PO Voskoboynik recognized herself on the video as the officers closest to the pole. PO Voskoboynik stated that at 11:29:58 p.m. she was still deciding how to handcuff [REDACTED]. At 11:29:50 p.m., the video shows an Asian officer in uniform. PO Voskoboynik did not

Interview Details

remember his name. At 11:37:19 p.m. on the video, the officers are seen pushing by the crowd by walking toward them. PO Voskoboinik could not identify the heavy-set male officer with glasses who is seen on the video at 11:37:19 p.m. PO Voskoboinik identified PO LaMoriello at 11:37:23 p.m. from IA 39. PO Voskoboinik could not identify any additional officers from the scene. PO Voskoboinik never issued a summons to the individual on the bicycle.

Interview Details

Subject Officer: PO MICHAEL LAMORIELLO

- *PO Michael LaMoriello is a 29-year-old white male, who is 6'0" tall, 280 pounds, with brown hair and brown eyes.*
- *On the day of the incident, PO LaMoriello worked alone in uniform from 10:00 p.m. to 6:35 a.m. PO LaMoriello was assigned to a single foot post #2.*

Memo Book Entries

PO LaMoriello recorded in his memo book that on September 21, 2012, at 11:30 p.m., while assisting spike post 1 with a male who was stopped, the male was obstructing police from performing lawful duties and was instructed several times to disperse. The male repeatedly approached PO LaMoriello in a threatening manner. PO LaMoriello and his partner attempted to effect a lawful arrest. One under for spike post 1. PO LaMoriello incurred lacerations to arms and contusion to right hand.

CCRB Statement

PO LaMoriello was interviewed at the CCRB on May 9, 2013.

On September 23, 2012, at approximately 11:35 p.m., PO Voskoboynik stopped a male individual for riding his bicycle on the sidewalk in the vicinity of [REDACTED] in Brooklyn. PO LaMoriello did not know the name or contact information of the male individual on the bicycle. The individual on the bicycle was complying with PO Voskoboynik. There were other officers in the area, but PO LaMoriello only identified PO Cheikhali as one of the officers who was in the area. PO LaMoriello said that PO Tibbets and an Asian male officer were at the scene, but he did not know at what point they arrived. There was a party going on in the basement of a barbershop located at the corner of the intersection.

A crowd of approximately twenty people formed to observe the stop of the male on the bicycle and kept trying to approach the officers and interfere with PO Voskoboynik's duties. PO LaMoriello explained that the crowd was already there prior to PO Voskoboynik conducting the stop. The crowd initially consisted of five to ten people. However, more people came out when the individual on the bicycle was stopped. The crowd was yelling and cursing at the officers but PO LaMoriello did not remember what they were saying. PO LaMoriello was trying to disperse the crowd by instructing them to disperse. One individual in particular, known to the CCRB as [REDACTED] kept trying to approach the officers, and PO LaMoriello instructed him multiple times to leave. [REDACTED] was within inches from PO LaMoriello when he approached. [REDACTED] ignored PO LaMoriello's instructions to leave, and PO LaMoriello pushed him in the chest. PO LaMoriello did not remember how [REDACTED] responded to getting pushed. PO LaMoriello did not remember if any of the individuals from the crowd, other than [REDACTED] were trying to physically interfere. PO LaMoriello did not remember if [REDACTED] was a part of the initial crowd. [REDACTED] walked onto the street, started screaming that he was going to fight the police officers and took his shirt off. [REDACTED] then walked up to PO LaMoriello again in a threatening manner and squared off with him. It appeared to PO LaMoriello that [REDACTED] was going to throw a punch because [REDACTED] raised his hands. PO LaMoriello punched [REDACTED] first in the face but did not remember how many times. [REDACTED] fought back by punching and kicking PO LaMoriello. [REDACTED] landed one punch on PO LaMoriello's face almost immediately during the initial engagement. PO Cheikhali and PO Voskoboynik assisted PO LaMoriello in handcuffing [REDACTED]. PO LaMoriello did not know what actions PO Cheikhali and PO Voskoboynik took to place [REDACTED] in handcuffs, and he did not know how long it took them to handcuff [REDACTED]. PO LaMoriello did not see PO Cheikhali or PO Voskoboynik kick or punch [REDACTED]. PO LaMoriello did not see PO Cheikhali or PO Voskoboynik use a nightstick or an asp to strike Mr. Andres. PO LaMoriello did not see PO Cheikhali or PO Voskoboynik use handcuffs to strike [REDACTED]. PO LaMoriello did not know whose handcuffs were used to handcuff [REDACTED] but said that it was not his. The other officers at the scene assisted with dispersing the crowd but PO LaMoriello did not know if they assisted with handcuffing [REDACTED].

The crowd was close to the officers while they were attempting to handcuff [REDACTED]. After [REDACTED] was handcuffed, someone from the crowd threw a bottle at the officers and it hit PO Voskoboynik. PO LaMoriello went to assist other officers with dispersing the crowd. However, the people in the crowd were not complying with the instructions to get back. The backup officers responded for crowd control. PO LaMoriello did not know at what point the backup officers arrived and who called for backup. PO LaMoriello said that he did not request for backup. Sgt. Claxton, who was identified by PO LaMoriello, responded to the scene for backup. There were other sergeants but PO LaMoriello did not remember who they were. Additionally, a police van responded to the scene. PO LaMoriello did not know the names of the officers who were assigned to the police van. PO LaMoriello assisted in dispersing the crowd. PO LaMoriello did not remember what the people from the crowd were saying, and he did not remember if they were cursing. PO LaMoriello did not threaten to use his pepper spray when attempting to disperse the crowd, and he did not hear any other officer do so. PO LaMoriello did not recall if he said, "Get off the fucking block" or "Get the fuck out of here," he did not recall if any other officer made these statements. PO LaMoriello did not recall if he used profanity during this incident, and he did not recall if any other officer used profanity during the incident.

Interview Details

PO LaMoriello was presented with the photo of [REDACTED] and he did not remember interacting with [REDACTED] on the day of the incident. PO LaMoriello did not recall Sgt. Claxton arrest [REDACTED] and he did not recall if Sgt. Claxton arrested anyone at the scene. Besides the arrest of [REDACTED] PO LaMoriello did not recall if anyone else got arrested at the scene. PO LaMoriello did not see Sgt. Claxton punch anyone at the scene, and he did not see any officer punch or use physical force against any other civilian. PO LaMoriello did not hear Sgt. Claxton tell [REDACTED] "Go to the other fucking side of the van," and he did not hear any other officer make that statement. PO LaMoriello did not hear any officer tell [REDACTED] "Here is your fucking hat." PO LaMoriello did not know what Sgt. Claxton was doing when he arrived at the scene. PO LaMoriello said that he spoke to Sgt. Claxton about what happened with respect to [REDACTED]. Sgt. Claxton spoke to other officers but PO LaMoriello did not know who else Sgt. Claxton interviewed and what was said to him.

PO LaMoriello sustained lacerations to his arms and contusion to his right hand. Additionally, PO LaMoriello had to take Combivir and Viread because he was exposed to [REDACTED] blood. Neither PO LaMoriello nor Sgt. Claxton photographed the injuries that he sustained. PO Cheikhali and PO Voskoboynik also sustained injuries in the process of arresting [REDACTED]. Specifically, PO LaMoriello observed PO Cheikhali sustain cuts on his arms. PO LaMoriello did not know what injuries PO Voskoboynik sustained. PO LaMoriello spoke to Sgt. Claxton later on that evening at the 67th Precinct stationhouse about his line of duty injuries because UF 49 had to be prepared and approved by his sergeant. PO LaMoriello had that discussion with Sgt. Claxton after he came back from the hospital, which was hours later after the incident. PO LaMoriello did not discuss the incident with any other sergeants.

PO LaMoriello was presented with a copy of the AIDED report card prepared by PO Cheikhali which stated that [REDACTED] punched the officer in the face. PO LaMoriello explained that PO Cheikhali prepared the report for PO LaMoriello, because officers cannot prepare their own AIDED cards.

The video footage from IA 39 was played for PO LaMoriello. The video began from 11:29:00 p.m. and was stopped at 11:31:18 p.m. PO LaMoriello did not recognize himself on the video at 11:29 p.m. The video showed a few individuals exiting the basement of the barbershop. At 11:29:13 p.m., and 11:29:18 p.m., an individual moved backwards due to a push. PO LaMoriello could not tell based on the video who was the officer who pushed the civilian, and he could not identify the civilian who got pushed. At 11:29:33 p.m., PO LaMoriello did not recognize the officer who is interacting with a shirtless individual based on the video. However, PO LaMoriello said that the officer's actions in the video were consistent with his actions with respect to [REDACTED]. PO LaMoriello pointed out in the video that at approximately 11:29:36 p.m., when [REDACTED] back was against the gate, that would have been the time when he would have gotten punched. PO LaMoriello did not know who many times [REDACTED] punched him but said that [REDACTED] connected only once. PO LaMoriello did not remember on what side or area of his face he was punched.

At 11:29:41 p.m., an officer is seen going on the ground with [REDACTED]. PO LaMoriello said that he was the officer who was on the ground. PO LaMoriello said that the reason why he took 11:29:41 p.m., another officer is seen approaching PO LaMoriello and that officer was. At 11:29:44 p.m., the video shows an officer kicking [REDACTED]. PO LaMoriello explained that at that time he was trying to get [REDACTED] to the ground was to get control of him. At 11:29:44 p.m., the video shows an officer kicking [REDACTED] but PO LaMoriello could not identify who that officer was. From 11:29:42 p.m. to 11:29:48 p.m. the video shows an officer, who is standing over PO LaMoriello, kicking and striking [REDACTED]. PO LaMoriello said that [REDACTED] but PO LaMoriello could not identify who that officer was. PO LaMoriello stated that [REDACTED] was "actively resisting" at that time. PO LaMoriello was telling [REDACTED] to stop resisting while they were on the ground. [REDACTED] was wrestling with PO LaMoriello and was refusing to be handcuffed between 11:29:42 p.m. and 11:30:03 p.m. As of 11:30:26 p.m., PO LaMoriello did not see PO Tibbets on the video. After viewing the video, PO LaMoriello could not tell who handcuffed [REDACTED].

The part of the video where the officers are trying to disperse the crowd, beginning at 11:37:15 p.m., was played for PO LaMoriello. At 11:37:23 p.m., PO LaMoriello identified himself as the officer closest to the camera but he could not identify the officer who was behind him with a large frame, a bald head and glasses. At 11:37:26 p.m., PO LaMoriello could not identify the male officer standing directly behind him. The video footage from IA 40 was played for PO LaMoriello, which is the camera that is facing away from the intersection. The video was paused at 11:29:54 p.m. PO LaMoriello could not recognize any of the officers on the video. PO LaMoriello confirmed that PO Voskoboynik and PO Cheikhali were the officers who actively assisted him in handcuffing [REDACTED] but he could not differentiate between the officers based on the video.

After [REDACTED] was handcuffed, PO LaMoriello walked him to a parked car and stood there with him. [REDACTED] was bleeding but PO LaMoriello could not tell where he was bleeding from. PO LaMoriello had not interaction with [REDACTED] as they were standing. When the backup officers arrived, [REDACTED] was placed in a police van and PO LaMoriello did not see him after that. PO LaMoriello did not know what happened to the male on the bicycle. PO LaMoriello did not use any additional force besides what he described, and he did not see any other officer use additional force other than what he already described.

Interview Details

Subject Officer: PO ALI CHEIKHALI

- *PO Ali Cheikhali is a 26-year-old white male, who is 6'0" tall, 175 pounds, with brown hair and brown eyes.*
- *On the day of the incident, PO Cheikhali worked alone in uniform from 10:00 p.m. to 6:35 a.m. PO Cheikhali was assigned to a spike foot post 7.*

Memo Book Entries

PO Cheikhali recorded in his memo book that on September 21, 2012, at approximately 11:30 p.m., he called for additional units because while assisting spike post 5 with a stop of a black male, a male was obstructing police from performing lawful duty. The male was instructed several times to disperse but he repeatedly came towards PO Cheikhali's partner in a threatening manner. PO Cheikhali and his partner attempted to affect a lawful arrest of the male for failure to disperse. The male became irate and actively resisted arrest by pushing, punching and flailing arms and refused to put his hands behind his back. PO Cheikhali called for additional units for crowd control. The male was arrested by spike post 5. PO Cheikhali incurred lacerations to hand and a contusion to hand, scrapes on knees and had contact with the defendant's blood. At 11:59 p.m., PO Cheikhali arrived at the 67th Precinct stationhouse for administrative duty. At 12:45 a.m., PO Cheikhali went to [REDACTED] Hospital to receive treatment for his injuries.

CCRB Statement

On September 21, 2012, at approximately 11:30 p.m., PO Cheikhali was at his spike post at the intersection of [REDACTED] in Brooklyn. There were other officers assigned to spike posts also working in the area, who were identified by PO Cheikhali and PO Michael LaMoriello and PO Maria Voskoboynik from the 67th Precinct. PO Cheikhali did not know the names of additional officers who were in the area, and he did not remember how many of them were there. PO Cheikhali became aware that there was a party at the basement of a barbershop from the beginning of his tour. PO Cheikhali said that the officers had a good relationship with the people who attended the party. Approximately half an hour to an hour later from the time PO Cheikhali became aware of the party, PO Voskoboynik stopped a male for riding his bicycle on the sidewalk and PO Cheikhali called his command via his cell phone to check the male for any outstanding warrants. PO Cheikhali did not remember the name of the male on the bicycle, and he did not remember if he was issued a summons. PO LaMoriello was standing and monitoring the male on the bicycle to make sure he did not flee. PO Cheikhali did not remember if the male on the bicycle was complying, and he could not describe his demeanor. PO Cheikhali stood approximately ten feet away from PO Voskoboynik and the male on the bicycle.

Another male, known to the CCRB as [REDACTED] exited the basement of the barbershop and approached PO LaMoriello and the male on the bicycle. PO Voskoboynik interacted with the male individual on the bicycle for approximately five to ten minutes before [REDACTED] approached them. PO Cheikhali did not know why [REDACTED] approached. [REDACTED] was instructed by PO LaMoriello to get back, and [REDACTED] refused. [REDACTED] was in PO LaMoriello's face when he approached him, and PO LaMoriello told [REDACTED] to get back and pushed him away by extending his arms. [REDACTED] kept approaching PO LaMoriello and the male individual on the bicycle between three and five times, made threatening remarks and appeared to be intoxicated by the way he was acting and slurring his words. PO Cheikhali did not remember what threatening remarks [REDACTED] made toward PO LaMoriello. [REDACTED] was asking why the officers stopped the male on the bicycle. PO Cheikhali did not remember if [REDACTED] was using profanity. PO Cheikhali was approximately five to ten feet away from PO LaMoriello when he observed [REDACTED] approached him.

PO Cheikhali was still on the phone checking if the male on the bicycle had an outstanding warrant when [REDACTED] took off his shirt and approached PO LaMoriello in a manner that led PO Cheikhali to believe that he was going to fight him. PO Cheikhali did not remember where [REDACTED] was when he took his shirt off, and he did not remember if [REDACTED] went onto the street. PO LaMoriello attempted to arrest [REDACTED] for disorderly conduct and obstructing governmental administration. PO Cheikhali did not know if PO LaMoriello and [REDACTED] had any verbal exchange before they began to fight. PO Cheikhali said that he could not see from behind PO LaMoriello but knew that he approached [REDACTED] to arrest him. [REDACTED] began pushing PO LaMoriello in the chest, and PO LaMoriello was pushing [REDACTED] against the wall. PO Cheikhali did not see where [REDACTED] hands were in relation to PO LaMoriello, and vice versa. PO Cheikhali went over to assist PO LaMoriello with the arrest. PO Cheikhali did not see PO LaMoriello strike [REDACTED] in the face or anywhere in the body. PO Cheikhali did not know what PO Voskoboynik was doing during the struggle.

[REDACTED] PO LaMoriello and PO Cheikhali fell down on the ground. PO Cheikhali was not sure what caused him to fall to the ground, and he did not know what caused PO LaMoriello and [REDACTED] to fall down. PO LaMoriello and [REDACTED] struggled for approximately thirty seconds before they fell down on the ground. PO Cheikhali did not remember if PO LaMoriello and [REDACTED] fell down first or if he fell down with them. [REDACTED] had his arms spread out on the ground in

Interview Details

a push up position and flexed his muscles to prevent the officers from bringing his arms behind his back. PO Cheikhali said that he attempted to bring [REDACTED] arms behind his back but [REDACTED] refused to comply. PO Cheikhali punched [REDACTED] in the face and torso. PO LaMoriello was on the ground on top of [REDACTED] when PO Cheikhali punched him. PO Cheikhali was on his knees at the time he was punching [REDACTED]. PO Cheikhali did not remember how many times he punched [REDACTED] in the face and torso. PO Cheikhali used his fists to punch [REDACTED] and he did not have anything in his hand when he hit him. PO Cheikhali did not remember kicking [REDACTED] and he did not remember if PO LaMoriello punched or kicked [REDACTED]. PO Cheikhali did not use a nightstick to strike [REDACTED] and he did not see any other officer do so. PO Cheikhali did not remember if PO Voskoboinik assisted in handcuffing [REDACTED]. PO Cheikhali did not remember who's handcuffs were used to handcuff [REDACTED].

Once [REDACTED] was handcuffed, he was stood up and walked over to a car that was parked nearby. The crowd that was observing the incident was agitated and was throwing bottles at the officers. PO Cheikhali did not remember if any of the bottle hit the officers. PO Cheikhali called for additional units to help control the crowd. [REDACTED] was placed against the car and the officers waited for the backup to arrive. A police van responded to the scene. PO Cheikhali did not remember how many officers were in the van, and he did not know if the van was assigned to the 67th Precinct of Patrol Borough. PO Cheikhali did not know the names of the additional officers who responded. However, he said that Sgt. Sean Claxton from the 67th Precinct, who was identified by PO Cheikhali, also responded to the scene. The backup officers attempted to disperse the crowd. PO Cheikhali did not assist in dispersing the crowd. PO Cheikhali did not hear the officers threatened to use pepper spray on the crowd. PO Cheikhali did not hear Sgt. Claxton say, "Get the fuck off the block," "Get the fuck out of here," and he did not hear any officer use profanity when attempting to disperse the crowd. PO Cheikhali did not know if the people from the crowd used profanity toward the officers. PO Cheikhali did not remember if he was close to the police van. PO Cheikhali did not see Sgt. Claxton punch anyone at the scene, and he did not see any officers punch any civilians at the scene. PO Cheikhali did not hear Sgt. Claxton say, "Go to the other fucking side of the van" or "Here is your fucking hat," and he did not hear any other officer make those statements. PO Cheikhali did not remember if anyone else got arrested at the scene.

PO Cheikhali went to the 67th Precinct stationhouse in an RMP. He did not know who transported him to the stationhouse. PO Cheikhali did not remember if PO LaMoriello was in the same car with him during the transport. Sgt. Claxton interviewed PO Cheikhali about the incident. PO Cheikhali did not remember whether he was interviewed at the scene or at the stationhouse. PO Cheikhali did not know if [REDACTED] sustained any injuries from the incident but said that he had blood on his clothes. PO Cheikhali did not know whose blood it was. PO Cheikhali said that PO LaMoriello sustained cuts, and he did not know if PO Voskoboinik sustained any injuries. PO Cheikhali did not remember if he noted any additional injuries to PO LaMoriello beside the cuts.

PO Cheikhali scraped his knees and sustained cuts to his hands as a result of this incident. PO Cheikhali did not know how exactly he sustained the scrapes to his knees but said that it was probably from falling down. PO Cheikhali did know how he sustained the cuts to his hands. PO Cheikhali was taken to [REDACTED] Hospital for treatment. He took Combivir and Viread because he was exposed to [REDACTED] blood. The medication made PO Cheikhali sick. When asked if Combivir and Viread had any effect on his cognitive abilities, PBA Rep. Albert objected to the question. After the hospital, PO Cheikhali went to the 67th Precinct stationhouse. PO Cheikhali did not remember if he was interviewed by Sgt. Claxton after he returned from the hospital.

PO Cheikhali was presented with a copy of the AIDED report that had his name. PO Cheikhali said that he did not sign it. After reviewing the narrative of the report, PO Cheikhali said that he did not remember the punch that was mentioned in the report. PO Cheikhali said that he did not prepare that AIDED card because officers could not prepare their own AIDED cards. PO Cheikhali was presented with a copy of the Line of Duty Injury Report, and PO Cheikhali confirmed that he signed it. After reviewing the statement, PO Cheikhali said that he remembered PO LaMoriello getting punched in the face. PO Cheikhali explained that [REDACTED] punched PO LaMoriello during the pushing after he had removed his shirt. PO Cheikhali saw PO LaMoriello get punched once. PO Cheikhali did not remember what part or side of PO LaMoriello's face was punched.

PO Cheikhali did not remember telling Sgt. Claxton that he sustained cuts to his hands from having a metal pair of handcuffs in his hand. PO Cheikhali was directed toward Part B of the Line of Duty Injury Report, part of which read that "injuries were sustained as a result of perp unexpected rapid movement in resisting. While PO Cheikhali had metal handcuffs in hand, contact on his skin with cuffs caused injuries." PO Cheikhali said that the signature under that statement was not his, and after reviewing that statement he still had no recollection of how he sustained cuts to his hand. PO Cheikhali did not remember reviewing Part B of the Line of Duty Injury Report.

The video footage from IA 39 was played for PO Cheikhali. He did not recognize himself, PO LaMoriello or PO Voskoboinik in the video after viewing it. The video was played back beginning at 11:29:25 p.m., and PO Cheikhali was unable to point out himself in the video. The video was slowed down to 0.48 and viewed again. PO Cheikhali agreed based on the

Interview Details

sequence of events that the officer who was on the ground was PO LaMoriello. The second officer who is seen approaching PO LaMoriello and [REDACTED] and kicking [REDACTED] was not recognized by PO Cheikhali. After observing the kicking of [REDACTED] PO Cheikhali said that he did not recall it and the video did not refresh his memory about [REDACTED] getting kicked. At 11:29:45 p.m., PO Cheikhali did not recognize any of the officers on the video. PO Cheikhali said that based on the actions that he took on the day of the incident, he said that the officer who is seen at 11:29:50 p.m. standing to [REDACTED] and PO LaMoriello's left side and leaning over them would be him. At 11:29:48 p.m., PO Cheikhali said that he did not see any objects in his hand. PO Cheikhali was asked if he remembered having handcuffs in his hand, and he said yes. PBA Rep. Albert interjected and said that PO Cheikhali did not remember having handcuffs after reading the LOD report and that his statement was true based on what he saw on the day of the incident. PO Cheikhali was then asked after reviewing the video if he remembered having handcuffs in his hand, and PO Cheikhali said that he did not. PO Cheikhali could not tell where PO Voskoboinik was on the video.

At 11:37:08 p.m., the officers are seen dispersing the crowd. The video was paused at 11:37:23 p.m., and PO Cheikhali was unable to recognize the officer who is bald, heavy-set, with glasses or the officer who is standing between two males closest to the camera. At 11:37:36 p.m., PO Cheikhali could not recognize the officer who is standing closest to the gate and appears to have a moustache. PO Cheikhali did not remember where he was at that time.

The video footage from IA 40 was played for PO Cheikhali and slowed to 0.52. After the review of the video, PO Cheikhali said that he recognized himself based on the actions at 11:29:41 p.m. as the officer standing up. On the video is shows PO Cheikhali kicking [REDACTED] several times. PO Cheikhali stated that he did not remember kicking [REDACTED] but if he did, it would be because he did not want to go on the ground and expose his gun and because [REDACTED] was actively resisting arrest. PO Cheikhali was unable to identify what he had in his hand. PO Cheikhali did not see any objects in his hand. The video was slowed down to 0.42 and paused at 11:29:46 p.m. PO Cheikhali was asked if he knew and saw what was the object in his hand, and he said no. PO Cheikhali said that he did not see or know what object the investigator was referring to. PO Cheikhali was asked what he was doing at 11:29:50 p.m., and he said that he was losing his balance. PO Cheikhali could not tell what he was doing in the video at 11:29:50 p.m. When asked what PO Cheikhali saw himself doing at 11:29:52 p.m., he said that he was stepping back. PO Cheikhali could not tell what he was doing with his arms. As PO Cheikhali reviewed the video, he was asked what he saw himself doing, and PO Cheikhali said that sees himself trying to gain balance.

PO Cheikhali was carrying an asp and pepper spray that day. PO Cheikhali said that he did not remember whether he considered using his asp or pepper spray. PO Cheikhali did not remember using either an asp or pepper spray. PO Cheikhali denied striking [REDACTED] with handcuffs in the body or face.

Interview Details

Witness Officer: SGT. ABDESSAMA DIANY

- *Sgt. Abdessama Diany is a 39-year-old white male, who is 6'0" tall, 210 pounds, with black hair and brown eyes.*
- *On the day of the incident, Sgt. Diany worked in uniform from 7:20 p.m. to 4:17 a.m. with PO Demarco. Sgt. Diany was assigned as the 67th Precinct Impact Response Team (IRT) supervisor and worked in a marked RMP [REDACTED].*

Memo Book Entries

Sgt. Diany recorded in his memo book that on September 23, 2012, at 11:00 p.m., he arrived at [REDACTED]
[REDACTED]

CCRB Statement

On September 23, 2012, at approximately 11:35 p.m., Sgt. Diany and his operator, PO DeMarco, responded to a request for backup in the vicinity of [REDACTED] in Brooklyn. Sgt. Diany learned that the reason officers, identified by Sgt. Diany as PO Ali Cheikhali and PO Michael Lamoriello from the 67th Precinct, requested backup was because they were having a problem with an individual, known to the CCRB as [REDACTED]. Sgt. Diany did not know what was the problem. Sgt. Diany was a couple of blocks away from the incident location when he responded. Upon arrival, Sgt. Diany observed two officers. One of the officers was with handcuffs in his hands and the defendant, [REDACTED] was in handcuffs. Sgt. Diany did not remember which officer was with handcuffs but said that he believed it was PO Cheikhali. Sgt. Diany also observed cuts to one of the officer's hand but did not recall which hand. The officer with the cuts to his hand was holding [REDACTED] at the time Sgt. Diany arrived. Sgt. Diany did not observe any injuries on [REDACTED].

There was a group of approximately 30 people around PO Cheikhali and PO Lamoriello. The CCRB investigation determined that PO Maria Voskoboinik, PO John Ko and PO Cassidy Tibbets from the 67th Precinct were also at the location. Sgt. Diany did not have any interaction with PO Cheikhali or PO Lamoriello. Sgt. Diany attempted to disperse the crowd around the officers and added that he and PO DeMarco were at the scene for the purpose of dispersing the crowd. The people from the crowd were yelling and did not want to leave the area. Sgt. Diany did not remember what the crowd was yelling. Approximately two minutes after Sgt. Diany arrived, a police van with additional officers responded. Besides Sgt. Diany and PO DeMarco, there were no other officers who were assigned to IRT.

Sgt. Diany did not know where PO DeMarco went after they arrived but said that every officer was trying to disperse the crowd. It took the officers approximately fifteen minutes to disperse the crowd and Sgt. Diany had to issue multiple times instructions to disperse. Some of the individuals from the crowd were complying by going to the other side of the street and others were not complying by refusing to leave.

In addition to [REDACTED] arrest, there was another individual, known to the CCRB as [REDACTED] who also got arrested. Sgt. Diany said that he was not the one who arrested [REDACTED]. Sgt. Diany saw officers arrest [REDACTED] while he was dispersing the crowd but did not know who those officers were. [REDACTED] kept approaching to the officers, refused to leave the scene and was loud. Sgt. Diany did not recall what [REDACTED] was yelling or whether he used any profanity. [REDACTED] was at another corner across the street from Sgt. Diany. Sgt. Sean Claxton was one of the officers who assisted in dispersing the crowd. Sgt. Diany did not remember if there were any other supervisors on scene besides him and Sgt. Claxton. In the process of dispersing the crowd, Sgt. Diany did not threaten to use pepper spray, and he did not hear any officer mention the use of possible use of pepper spray. Sgt. Claxton was issuing instructions to the crowd to leave as well. Sgt. Diany did not hear Sgt. Claxton say, "Get off the fucking block," or use any profanity. Sgt. Diany did not see Sgt. Claxton push [REDACTED] against a gate, and he did not see Sgt. Claxton punch [REDACTED] in the lower back. [REDACTED] was walked to a police van. Sgt. Diany was in the vicinity of the van. He did not hear any officer tell [REDACTED] "Go to the other fucking side of the van," or "Here is your fucking hat."

Sgt. Diany did not speak to PO Cheikhali or PO Lamoriello about how they sustained the injuries because he was not their supervisor and his focus was on crowd control.

The video footage from IA 39 was played for Sgt. Diany for the purpose of him identifying additional officers who were at the scene. The video was played beginning 11:37:00 p.m. The video shows officers walk toward the crowd and the crowd is seen backing up. Sgt. Diany was informed that the individual closest to the gate and wears a hat is [REDACTED]. Sgt. Diany identified the officer who is closest to the camera as PO Lamoriello. Sgt. Diany identified the officer who is bald with glasses and a heavy-set built as PO Adam Giacalone from the 67th Precinct. The officer who was standing closer to the gate and to the right of PO Giacalone was identified as PO DeMarco. Another officer to the right of PO Giacalone was identified as Sgt. Claxton. Sgt. Diany recognized himself in the video as the officer all the way in the back of the picture at 11:37:39 p.m. Sgt. Diany identified the officer who is standing near the gate at 11:37:43 as PO Ashland Menelas from the 67th Precinct.

The video footage from IA 40 was played for Sgt. Diany, beginning 11:37:09 p.m. Sgt. Diany said that the officers are telling the crowd to leave. He pointed out that on the video at approximately 11:37:40 p.m., the civilians are seen walking back.

Interview Details

At 11:37: 51 p.m., Sgt. Diany identified himself as the officer facing the street and without a hat. At 11:38:18 p.m., Sgt. Diany identified the officer standing closes to the gate and facing the street was identified as PO Lamoriello.

Interview Details

Witness Officer: PO JOHN KO

- *PO John Ko is 24-year-old Asian male, who is 5'10" tall, 165 pounds, with black hair and brown eyes and wears prescription glasses.*
- *PO Ko is assigned to the 109th Precinct but at the time of the incident he was assigned to the 67th Precinct. On the day of the incident, PO Ko was working in uniform from 10:00 p.m. to 6:35 a.m. PO Ko was assigned to an overtime Spike Post No. 6, which covered [REDACTED] between East 55th Street and East 56th Street.*

Memo Book Entries

PO Ko recorded in his memo book that on September 24, 2013, 11:20 p.m., four black males were stopped by posts 4, 5, 1 and 2 at the corner of [REDACTED]. At 11:25 p.m., PO Ko requested for backup. At 11:50 p.m., PO Ko resumed patrol.

CCRB Statement

On September 24, 2012, at approximately 11:35 p.m., PO Ko was at his foot post in the vicinity of [REDACTED] in Brooklyn. PO Ko heard loud music and learned about a party in the vicinity of [REDACTED] at approximately 10:45 p.m. when he arrived at his post. PO Maria Voskoboynik from the 67th Precinct stopped two black males in order to issue one of them a summons for riding his bicycles when a crowd formed. There were three other officers with her, whom PO Ko identified by name as PO Michael LaMoriello, PO Ali Cheikhali and PO Cassidy Tibbets from the 67th Precinct. PO Ko did not observe the male individual ride his bicycle. PO Ko went to the officers for backup.

When PO Ko was approximately a car to a car and half away from the officers, two additional black males approached the officers. PO Ko did not remember the demeanor of the four male individuals. PO Voskoboynik was asking the male individual with the bicycle for identification. PO Ko did not remember whether the male individual complied. PO Ko did not hear the males indicate why they approached the officers, and PO Ko did not hear any of the officers issue instructions to the males.

One of the officers tried to help PO Voskoboynik with issuing a summons. PO Ko believed that one of the individuals, known to the CCRB as [REDACTED] tried to interfere with issuing of the summons because he heard PO LaMoriello tell him to back up. PO Ko did not remember who many times PO LaMoriello told [REDACTED] to back up but said that it was multiple times. PO Ko did not know what [REDACTED] was saying in response to the instructions. PO Ko did not remember whether PO Cheikhali or PO Tibbets also issued instructions to [REDACTED]. PO Ko did not remember whether [REDACTED] was one of the four individual who were stopped or whether he came at a later point. PO Ko also did not remember who long into the incident [REDACTED] began interfering. PO Ko did not hear [REDACTED] ask any questions. [REDACTED] was not complying with instructions to leave, and PO LaMoriello pushed him. PO Ko did not remember how close [REDACTED] was standing to PO LaMoriello when he was pushed. PO Ko did not know where PO LaMoriello pushed [REDACTED] and he did not remember how many times PO LaMoriello pushed [REDACTED]. PO Ko did not remember whether PO LaMoriello pushed [REDACTED] using one or two hands. PO Ko did not remember if [REDACTED] trip, fall down or stumble after he was pushed by PO LaMoriello. PO Ko could not elaborate more about the push because other officers were obstructing his view.

[REDACTED] became angry after being pushed; he walked into the street and took off his shirt. PO Ko did not know what happened to the male individual who was getting a summons because PO Ko was looking at [REDACTED] who presented more of a threat. [REDACTED] rapidly walked up to PO LaMoriello, who was on the sidewalk trying to get the crowd to back up. PO Ko was standing near PO Voskoboynik and the male individual who was being issued a summons when he observed [REDACTED] approach PO LaMoriello. PO Ko was standing approximately 15 to 20 feet when he made the observation. [REDACTED] actions led PO Ko to believe that he was going to fight PO LaMoriello. Additionally, [REDACTED] came from behind PO LaMoriello who was facing the crowd.

PO Ko did not see [REDACTED] make any physical contact with PO LaMoriello upon approaching him. However, PO Ko said that there were other officers in front of him who were obstructing his view. PO Ko was standing by the stairs to the basement where the party was taking place. PO Ko did not know where PO Voskoboynik, PO Tibbets and PO Cheikhali were standing. PO Ko did not remember where [REDACTED] had his hands when he approached PO LaMoriello, and he did not hear him say anything to PO LaMoriello. Later in the interview, PO Ko said that [REDACTED] hands were down at the time he approached PO LaMoriello. PO Ko did not know whether there was any verbal exchange between PO LaMoriello and [REDACTED] when [REDACTED] approached the officer. [REDACTED] got very close to PO LaMoriello. PO LaMoriello turned around and tried to grab [REDACTED] arms, but [REDACTED] moved back and tried to fight PO LaMoriello. PO Ko did not see how [REDACTED] tried to fight PO LaMoriello, and he did not see PO LaMoriello punch [REDACTED]. PO Ko could not say whether he saw PO LaMoriello push [REDACTED] against a wall, but he saw [REDACTED] against the wall. PO Ko did not see [REDACTED] punch or kick PO LaMoriello and vice versa. PO Ko did not hear PO LaMoriello issue any instructions to Mr. [REDACTED]

Interview Details

Andrews during the struggle, and he did not hear [REDACTED] say anything to PO LaMoriello.

PO LaMoriello and [REDACTED] fell on the ground. PO Ko did not know what actions PO LaMoriello take to bring [REDACTED] to the ground. PO Ko did not see PO LaMoriello trip [REDACTED] or pull him down. PO LaMoriello and [REDACTED] struggled for a brief period of time before they fell to the ground. PO Ko did not know how [REDACTED] and PO LaMoriello landed when they fell on the ground. [REDACTED] resisted being handcuffed by moving around and trying to get up. PO LaMoriello did not punch [REDACTED] while on the ground. PO Cheikhali took out his handcuffs and tried to grab [REDACTED] hands to handcuff him. PO Cheikhali was also telling [REDACTED] to produce his hands multiple times. PO Ko could not hear whether PO LaMoriello was issuing any instructions while on the ground. PO Ko was standing approximately ten feet away from [REDACTED]

Besides trying to grab [REDACTED] hands, PO Ko did not see PO Cheikhali do anything else. Later in the interview, PO Ko said that PO Cheikhali was trying to hold [REDACTED] leg down. PO Ko could not describe what exactly was happening because there was a lot of movement. PO Ko did not see PO Cheikhali kick or strike [REDACTED] in the face with his hands or handcuffs. PO Ko did not know how long it took for PO LaMoriello and PO Cheikhali to handcuff [REDACTED]. PO Cheikhali's handcuffs were used to handcuff [REDACTED]. PO Voskoboinik and PO Tibbets were doing crowd control when PO Cheikhali and PO LaMoriello were attempting to handcuff [REDACTED]. Later in the interview, PO Ko said that PO Voskoboinik assisted with handcuffing [REDACTED]. PO Ko said that [REDACTED] got up from the ground after being taken down, and then [REDACTED] was handcuffed with PO Voskoboinik's assistance. PO Ko said that PO LaMoriello and PO Cheikhali probably stood [REDACTED] up.

Approximately 30 to 40 people came out of the basement and PO Ko was doing crowd control and was telling people to get back. The people in the crowd were yelling but PO Ko did not remember the specifics. PO Ko did not remember if anyone from the crowd was yelling profanities. PO Ko observed one of the individual from the crowd try to jump on one of the officers. PO Ko also observed someone throw a bottle which flew in the direction of PO Voskoboinik. The bottle bounced off of something and fell on the floor. PO Ko did not see if the bottle hit PO Voskoboinik and he did not remember whether the individual who threw the bottle got arrested as a result. At some point during the incident, PO Ko called for backup, but he did not remember when. Later in the interview, PO Ko said that he called for backup when PO LaMoriello and [REDACTED] were on the ground. PO Ko did not know if any other officer also called for backup. Once [REDACTED] was handcuffed, PO Ko observed blood but he did not see where it come from. PO Ko was presented with the arrest photo of [REDACTED] but PO Ko did not recognize him. PO Ko did not see blood on [REDACTED] head. PO LaMoriello sustained a laceration to his hand, but PO Ko did not know how PO LaMoriello sustained it. PO Ko did not see any other officer sustain injuries. PO Ko did not remember what happened to [REDACTED] once he was handcuffed.

Additional officers arrived for crowd control. There were officers from other precincts. PO Ko did not know how many police cars and additional officers responded. There was a police van but PO Ko did not know if it was assigned to the 67th Precinct or Patrol Borough Brooklyn South (PBBS). PO Ko did not remember any other supervisor at the scene besides Sgt. Sean Claxton from the 67th Precinct. The backup officers and Sgt. Claxton were dispersing the crowd by telling them to leave. PO Ko was also dispersing the crowd whenever they tried to approach by placing himself between the crowd and the officers. Additionally, PO Ko was telling the crowd to get back. Some individuals from the crowd were complying and others were not. PO Ko did not hear any officer mention pepper spray when they were dispersing the crowd. PO Ko did not threaten anyone with the use of pepper spray, and he did not hear Sgt. Claxton or any other officer threaten to use pepper spray while dispersing the crowd. PO Ko did not know if Sgt. Claxton or other officers threaten anyone with arrest. PO Ko did not hear Sgt. Claxton say, "Get the fuck off the block," "Get the fuck out of here" or use any profanity.

PO Ko was presented with the photo of [REDACTED] and PO Ko did not recognize him. PO Ko recalled that there was another individual, [REDACTED] who got arrested at the scene, but he did not remember the circumstances that lead to his arrest. PO Ko did not know why [REDACTED] was arrested, and he did not know who arrested him. PO Ko knew that [REDACTED] got arrested because he saw him being placed in the police van in handcuffs. PO Ko did not remember where he was when he was [REDACTED] be escorted to the police van. PO Ko did not know which officers took [REDACTED] to the van. PO Ko did not see Sgt. Claxton have any physical contact with [REDACTED]. PO Ko did not see Sgt. Claxton pulled [REDACTED] hand behind his back and then pushed [REDACTED] against a gate. PO Ko did not see Sgt. Claxton punch [REDACTED] in the back. PO Ko did not hear any officer tell [REDACTED] "Go on the other fucking side of the van" or "Here is your fucking hat." The officer who allegedly made the discourteous remarks to [REDACTED] was described for PO Ko. PO Ko could not identify the officer based on the description.

Once the crowd dispersed, PO Ko went back to his post. PO Ko was not interviewed by a supervisor regarding the incident neither at the scene nor at the stationhouse. PO Ko did not know whether PO Cheikhali, PO LaMoriello or PO Voskoboinik went to a hospital with injuries from the incident. PO Ko did not remember PO Jelcic at the scene.

The video footage from IA 39 was played for PO Ko. The video was played beginning at 11:26:11 p.m. and showed a

Interview Details

male riding a bicycle on [REDACTED] toward [REDACTED]. There were two male individual standing outside in addition to the male individual on the bicycle. The video further showed what appeared to be two police officers who approached the male individual on the bicycle. At 11:27:23 p.m. on the video, PO Ko was pointed out that he was on the left side corner across the street. At 11:28:53 p.m. on the video, what appeared to be a male individual wearing a white t-shirt exited the basement of the barbershop and approached the male individual with the bicycle and the officers. At 11:29:10 p.m. on the video, two additional males exited the basement and approached the officers. At 11:29:13 p.m., it appeared as though one of the individuals was pushed back. The video further showed the male, [REDACTED] being pushed into the street. At 11:29:27 p.m., the video showed [REDACTED] and another male in the street. PO Ko said that that was the time when [REDACTED] removed his shirt. At 11:29:30 p.m., [REDACTED] walked around a car parked by the curb and walked onto the sidewalk toward an officer. At 11:29:35 p.m., the officer and [REDACTED] get into a struggle. PO Ko identified himself as the officer with glasses who was standing in the middle of the sidewalk next to a civilian in white pants. At 11:30:47 p.m., PO Ko was not issuing any instructions to the crowd yet and he did not remember what the crowd was saying to the officers.

The video footage from IA 39 was rolled back to 11:29:32 p.m. and slowed down to 0.52. PO Ko identified himself at 11:29:38 p.m. as the officer who was picking up one of the officer's memo book off the ground. Based on the actions, PO Ko identified PO LaMoriello as the officer who was on the ground with [REDACTED]. PO Ko also identified PO Cheikhali as the officer who was standing over PO LaMoriello. PO Ko could not say where PO Voskoboinik or PO Tibbets were. At 11:29:41 p.m., PO Ko said that PO Cheikhali was telling [REDACTED] to stop resisting. PO Ko watched the video and said that he saw the other end of the handcuff in PO Cheikhali's hand. PO Ko saw PO Cheikhali do "what the video showed." At 11:29:48 p.m. on the video, PO Ko could not identify the officer who was standing closes to the light pole.

At 11:37:19 p.m., the video showed a crowd of people backing up while a number of officers walking toward the crowd. PO Ko identified PO LaMoriello at 11:37:25 p.m. as the officer who was closest to the camera and without a hat. At 11:37:28 p.m., PO Ko identified Sgt. Claxton as the officer who was facing away from the camera and stood immediately behind PO LaMoriello. PO Ko could not identify the officer with a bald hear and glasses. PO Ko could not identify the officer who was to the right of the officer with a bald head. PO Ko did not know where he was on the video.

The video footage from IA 40 was played for PO Ko beginning at 11:29:08 p.m. At 11:29:41 p.m., the video showed an officer wrestle down [REDACTED]. There was another officer who was standing over them. At 11:29:49 p.m., PO Ko identified himself as the officer who was standing with his back toward the gate and facing the officers, one of whom he identified as PO LaMoriello. There was an individual who was standing next to PO Ko at 11:29:57 p.m., who appeared to be saying something to him. However, PO Ko did not remember what the male individual was telling him.

PO Ko saw the video footage from IA 39 during his GO 15.

Interview Details

Subject Officer: PO CASSIDY TIBBETS

- *PO Cassidy Tibbets is a 29-year-old white male, who is 5'10" tall, 140 pounds, with brown hair and brown eyes.*
- *On the day of the incident, PO Tibbets worked in uniform from 10:00 p.m. to 6:35 a.m. PO Tibbets was assigned to Spike Post 4, which covered the area on [REDACTED] between [REDACTED] [REDACTED] PO Tibbets explained that Spoke Post 4 is a shooting suppression post.*

Memo Book Entries

PO Tibbets recorded in his memo book that on September 24, 2012, at 11:40 p.m., one male was stopped at the corner of [REDACTED] by the officer assigned to Spike Post 5. The male was stopped for riding his bicycle on the sidewalk. Upon asking the individual for his identification, a large crowd formed. One male pushed an officer. At 11:45 p.m., PO Tibbets requested for backup to control the crowd. At 11:45 p.m., two individuals were placed under arrest.

CCRB Statement

On September 24, 2012, at approximately 11:35 p.m., PO Tibbets was standing at the corner of [REDACTED] in Brooklyn, with the officers whom he identified as PO Maria Voskoboynik, PO Michael LaMoriello and PO Ali Cheikhali from the 67th Precinct. There was a party taking place in the basement of a barbershop. PO Tibbets observed a male individual riding his bicycle on the sidewalk, and PO Voskoboynik stopped him. PO Tibbets assisted PO Voskoboynik with stopping the male and obtaining his identification. PO Tibbets did not get the name of the male individual who was on the bicycle. Approximately two minutes after the male individual was stopped and provided two identification cards, another male, known to the CCRB as [REDACTED] made comments to the officers stating that they had no right to stop the male who was on the bicycle. [REDACTED] was standing outside approximately ten feet away from the officers at the time he was making the comments.

While PO Cheikhali and PO Voskoboynik were verifying the identity of the male individual, [REDACTED] became agitated. [REDACTED] approached PO LaMoriello because PO LaMoriello was standing closest to him. [REDACTED] continued to express his displeasure with the stop of the male individual who was on the bicycle, and PO LaMoriello instructed [REDACTED] to step back and allow the officers to do their job. [REDACTED] did not comply and got close to PO LaMoriello's face. [REDACTED] was approximately six inches away from PO LaMoriello's face and was throwing his hands in a violent manner. [REDACTED] pushed PO LaMoriello in the chest with both hands and using his palms to push. PO LaMoriello leaned back as a result of being pushed and then responded by pushing [REDACTED] away in the chest. [REDACTED] stumbled backwards after being pushed. [REDACTED] was pushed into the street.

[REDACTED] became angry, removed his shirt while in the street and charged at PO LaMoriello. [REDACTED] approached PO LaMoriello face to face and had his arms raised in a fighting position. [REDACTED] was standing approximately one foot away from PO LaMoriello when they began to fight. PO Tibbets did not know if [REDACTED] and PO LaMoriello exchanged any words before they began to fight. [REDACTED] was the first to punch PO LaMoriello, and may have landed one or two punches on PO LaMoriello. PO Tibbets then said that he saw [REDACTED] throw punches at PO LaMoriello but he did not see them land. PO LaMoriello began throwing punches back at [REDACTED]. PO Tibbets was standing five to six feet away from PO LaMoriello when the fight began and there was nothing that obstructed his view. [REDACTED] attempted to punch PO LaMoriello several times. PO Tibbets did not see [REDACTED] kick PO LaMoriello. PO Tibbets saw PO LaMoriello land one punch on [REDACTED] however, PO Tibbets did not remember where the punch landed. PO Tibbets did not see [REDACTED] get pushed against a wall.

While [REDACTED] and PO LaMoriello were struggling, a large crowd of approximately 50 people had gathered. [REDACTED] and PO LaMoriello fell to the ground, and PO Cheikhali went to assist him with handcuffing [REDACTED]. PO LaMoriello and [REDACTED] fought for approximately two seconds before they fell to the ground. PO Tibbets and PO Voskoboynik were doing crowd control by trying to keep the crowd off the officers. PO Tibbets did not remember whether PO John Ko from the 67th Precinct was present. PO Tibbets turned around to see if PO LaMoriello handcuffed [REDACTED] and saw that [REDACTED] had his arm under a car. [REDACTED] kept reaching under a car to hide his hands from the officers and was kicking his legs. PO LaMoriello and PO Cheikhali were squatting when they were trying to handcuff [REDACTED]. PO LaMoriello and PO Cheikhali kept yelling, "Give me your hands. Stop resisting," while [REDACTED] kept stiffening his arms. PO Tibbets did not see any objects in PO Cheikhali's, PO LaMoriello's or PO Voskoboynik's hands while they were trying to handcuff [REDACTED]. PO Tibbets did not know what actions PO Voskoboynik took to assist with handcuffing [REDACTED]. PO Tibbets did not see [REDACTED] get handcuffed because [REDACTED] was behind him. PO Tibbets did not hear any force used or

Interview Details

punches thrown. PO Tibbets did not see PO LaMoriello or PO Cheikhali punch or kick [REDACTED] PO Tibbets did not see PO Cheikhali strike [REDACTED] with handcuffs or any metal object.

PO Tibbets had his asp out when he was dispersing the crowd. PO Tibbets explained that it was a technique he learned in the Police Academy specifically for crowd control. The demeanor of the crowd was aggressive because someone threw a bottle at PO Tibbets, who later learned that the bottle hit PO Voskoboynik. Additionally, people from the crowd were cursing at the officers, stating, "Fucking police. Fuck you." PO Tibbets used his asp as a brace to keep people back. PO Tibbets did not see any other officer have their asp out. PO Tibbets pushed back one individual away, who kept reaching over PO Tibbets in order to grab PO LaMoriello and PO Cheikhali. PO Tibbets told the individual who kept reaching over to step back twice before pushing him away with his asp. PO Tibbets did not threaten to use his asp. PO Tibbets explained that he pushed the individual for safety reasons because the individual could have been reaching to grab his gun or the officers. The individual stepped back and assumed a fighting stance after being pushed back with the asp. However, the individual did not attack PO Tibbets. PO Tibbets was presented with the photo of [REDACTED] and PO Tibbets did not recognize him. PO Tibbets did not remember telling anyone that he was from the military or that he felt closed in.

Once [REDACTED] was handcuffed, he was stood up and placed against the trunk of a vehicle. PO Cheikhali then called for backup. PO Tibbets did not observe any injuries on [REDACTED]. Approximately twenty additional officers responded for crowd control. The officers arrived in approximately two police vans and a couple of patrol cars. PO Tibbets did not know if the vans were assigned to Patrol Borough Brooklyn South (PBBS) or the 67th Precinct. The only backup officer PO Tibbets identified was his supervisor – Sgt. Sean Claxton from the 67th Precinct. [REDACTED] was placed in a police van and while the officers attempted to disperse the crowd.

Sgt. Claxton participated in crowd control by telling people to leave. Sgt. Claxton was on the North West corner and PO Tibbets was on the South West corner when dispersing the crowd. PO Voskoboynik was with PO Tibbets on the South West corner dispersing the crowd. Some people from the crowd complied and left while others did not. PO Tibbets did not hear any conversation about the use of pepper spray. PO Tibbets did not threaten to use pepper spray. PO Tibbets did not hear Sgt. Claxton say, "Get the fuck off the block," or "Get the fuck out of here," or use any profanity.

PO Tibbets observed another individual across the street, known to the CCRB as [REDACTED] get arrested. PO Tibbets did not know why [REDACTED] got arrested. PO Tibbets did not see Sgt. Claxton punch [REDACTED] in the back or push him against a gate. PO Tibbets did not see Sgt. Claxton have any physical contact with [REDACTED] or any civilian at the scene. [REDACTED] was taken to a police van in handcuffs. [REDACTED] was placed in the police van that was different from the one that transported [REDACTED]

[REDACTED] to the stationhouse. PO Tibbets did not know which officers or how many take [REDACTED] to the van. PO Tibbets was across the street from the van where [REDACTED] was taken to, and there were civilians and officers who obstructed his view. PO Tibbets did not hear any officer tell [REDACTED] "Go to the other fucking side of the van," or "Here is your fucking hat." The officer who made the alleged discourteous remarks was described to PO Tibbets, and PO Tibbets could identify the officer.

PO Tibbets asked PO LaMoriello and PO Cheikhali if they were okay. PO LaMoriello and PO Cheikhali complained that they got [REDACTED] blood on them and of scrapes to their hands. PO Tibbets could not describe the scrapes. Sgt. Claxton interviewed PO Tibbets regarding the incident at the scene.

The video from IA 39 was played for PO Tibbets, beginning at 11:29:12 p.m. At 11:29:37 p.m., PO Tibbets identified the shirtless individual who was standing with his back against a gate and struggling with an officer as [REDACTED]. At 11:29:49 p.m., PO Tibbets identified himself as the officer standing next to a vehicle facing [REDACTED] and with his back toward the camera. At approximately 11:30:18 p.m. in the video, PO Tibbets took out his asp. PO Tibbets noted that at 11:30:37 p.m., the video showed an individual who was trying to reach over him. PO Tibbets saw the video before during his GO 15 at IAB.

CITY OF NEW YORK
POLICE DEPARTMENT

A 928421

Name Cheikhali Tax Reg. No. 946677

Date Opened 7/23/2012 Supervisory Officer AJ

Date Closed _____ Supervisory Officer _____

ENCL. H1

r)
Suff
g
dr

5

)

2330 - 85 - While assisting spike POST w/ 1 male stopped, male was obstructing Police from performing lawful duty. Male was instructed several times to disperse. Male repeatedly came towards my partner.

ENCL. H2

in a threatening manner. My partner and I attempted to effect a lawful arrest for failure to disperse. Male became irate and actively resisted lawful arrest by pushing, throwing punches and flailing arms, and refused to put hands behind his back. 85 over division for crowd control. Under for Spike POST incurred lacerations to my hand contusions to the hand scrapes on my knee, also blood contact on open cuts.

2359 - 62 A in records

0045 - § 87(2)(b) ER for injuries.

§ 87(2)(b), § 87(2)(e)

This form is 8½" x 14". Four (4) completed copies of this form are required.
See the bottom of this form for distribution instructions.



LINE-OF-DUTY INJURY REPORT

PD 429-154 (Rev. 02-11) — Ref. P.G. 205-05, 06

Page 1 of 2

Med. Div. Control No.

6415

PART A (Prepared By Patrol/Command Supervisor)

WHO	Rank/Surname	First	M.I.	Shield	Command	Appointment	<input checked="" type="checkbox"/> On Duty	<input type="checkbox"/> Off Duty	Uniform <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
	PO Cheikhali	Ali	H	10937	067	07/08/08				
WHEN	Tax Registry No.	§ 87(2)(b) Date of Birth		Height (in.)	Weight	Sex	Partner's Sex			
	946677			72	165	Male	Male			
Month	Day	Year	Day of Week	Hour	Tour	At Time of Injury	Post or Assignment			
09	23	12	Sunday	2333	2200x0635	<input type="checkbox"/> Alone <input checked="" type="checkbox"/> With MOS	<input checked="" type="checkbox"/> Foot	<input type="checkbox"/> RMP	<input type="checkbox"/> Other	Spike Post 1
WHERE	□ INSIDE	Address of Building				Police Facility	Exact Location in Building			Pct. of Occ.
		On – Road, Street, Avenue				§ 87(2)(b)				Aided No.
	□ OUTSIDE	Or If Not at Intersection N S E W Feet <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Of				Road, Street, Avenue				Accident No.
Or In Front of										
Reported Sick		Date	Time	Medical District			Other Department Forms Forwarded			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No										
Hospital		Diagnosis	right Contusion of the finger. Blood exposure.				Doctor's Name § 87(2)(b)			
WHAT	Injury To:	<input type="checkbox"/> Head <input type="checkbox"/> Face <input type="checkbox"/> Arms <input type="checkbox"/> Legs <input type="checkbox"/> Trunk <input type="checkbox"/> Neck <input type="checkbox"/> Eyes <input checked="" type="checkbox"/> Hands <input type="checkbox"/> Feet <input type="checkbox"/> Back								
	Internal	<input type="checkbox"/> Other (Specify)								
Type of Injury:	<input checked="" type="checkbox"/> Abrasion <input type="checkbox"/> Burn <input type="checkbox"/> Foreign Body <input type="checkbox"/> Fracture <input type="checkbox"/> Puncture Wound <input type="checkbox"/> Sprain, Strain <input checked="" type="checkbox"/> Laceration									
HOW	If Assaulted, Injury Received From	<input type="checkbox"/> Gunshot <input type="checkbox"/> Bite <input type="checkbox"/> Kick <input type="checkbox"/> Cut/Stab <input type="checkbox"/> Punch <input type="checkbox"/> Struck by Object <input type="checkbox"/> Assault by Veh.								

PATROL/COMMAND SUPERVISOR'S REPORT OF INJURY

AT TPO PO CHEIKHALI SUSTAINED INJURIES WHILE ATTEMPTING TO HANDCUFF PERP. PO CHEIKHALI SUFFERED CUTS TO RIGHT HAND FROM HANDCUFFS BECAUSE OF PERP RESISTING. I AGREE WITH INVESTIGATING SUPERVISORS REQUEST TO DESIGNATE INJURIES AS LINE OF DUTY.

Is Injury Applicable to the Federal Employee's Compensation Act?

Yes No

Rank/Name Patrol/Command Supervisor (Print)

SGT SMILEY

Signature

Shield

Command

Date

3605

067

09/24/12

Name of Witness

Address

Shield

Command

Phone

PO LAMORIELLO

§ 87(2)(b)

26048 067

§ 87(2)(b)

PART B INVESTIGATING SUPERVISING OFFICER'S REPORT AND RECOMMENDATION AS TO LINE OF DUTY DESIGNATION

AT T/P/O AFTER CONDUCTING A COMPLETE INVESTIGATION OF PO CHEIKHALI'S INJURY, INVESTIGATING SUPERVISOR FINDS THAT SAID OFFICER WAS ATTEMPTING TO RESTRAIN PERPRETRATOR AND WHILE ATTEMPTING TO SUBDUE PERP, PO CHEIKHALI DID SUFFER CUTS TO RIGHT HAND AS WELL AS SWELLING TO RIGHT PINKY FINGER. INJURIES WERE SUSTAINED AS A RESULT OF PERP UNEXPECTED RAPID MOVEMENTS IN RESISTING, WHILE PO CHEIKHALI HAD METAL HAND CUFFS IN HAND, CONTACT OF HIS SKIN WITH CUFFS CAUSED INJURIES. PO CHEIKHALI OPEN WOUNDS WERE EXPOSED TO PERP'S BLOOD RESULTING IN THE OFFICER BEING TRANSPORTED TO THE HOSPITAL AND BEING TREATED WITH 150 G OF COMBIVAR AND 300 MG OF VIREAD FOR EXPOSURE. INVESTIGATING SUPERVISOR RECOMMENDS LINE OF DUTY DESIGNATION

Negligence on Part of Injured Member	Performance in Line of Duty	Current Assignment to be Continued
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/> APPROVAL	Rank/Name of Supervising Officer (Print)	Signature
<input type="checkbox"/> DISAPPROVAL	SGT CLAXTON	<i>[Signature]</i>
		Command
		067
		Date
		09/24/12

PART C APPLICATION FOR LINE OF DUTY DESIGNATION (Not required for old injuries.)

TO BE COMPLETED BY INJURED MEMBER OR COMMANDING OFFICER, (IF INJURED MEMBER IS INCAPACITATED)
FOR INITIAL LINE OF DUTY DESIGNATION REQUEST.

DESCRIBE HOW INJURY SUSTAINED

While attempting to apprehend violent perp I sustained several cuts to my right hand and pain to right

CHIEF SURGEON'S RECOMMENDATION

Diagnosis:

ON SICK REPORT From _____ To _____

APPROVAL

DISAPPROVAL

CHIEF SURGEON

COMMANDING OFFICER, MEDICAL DIVISION RECOMMENDATION

APPROVAL

DISAPPROVAL

COMMANDING OFFICER

CHIEF OF PERSONNEL RECOMMENDATION

APPROVAL

DISAPPROVAL

CHIEF OF PERSONNEL

ENCL. H5 _____



DISTRICT ATTORNEY
KINGS COUNTY
350 JAY STREET
BROOKLYN, NY 11201-2908
(718) 250-2000
WWW.BROOKLYNDA.ORG

Eric Gonzalez
District Attorney

[INSERT NAME]
Assistant District Attorney

[INSERT DATE]

[INSERT D/C INFO]

Re: [INSERT CASE NAME]
Kings County Dkt./Ind. No. [#####]

In connection with the above-named case, the People voluntarily provide the following information regarding:

MOS NAME: CHEIKHALI, ALI

MOS TAX: [REDACTED]

in satisfaction (to the extent applicable) of their constitutional, statutory, and ethical obligations. Further, the People reserve the right to move in limine to preclude reference to this information, or otherwise to object to its use and/or introduction into evidence.

Disclosure # 1:

THE PEOPLE ARE AWARE OF THE FOLLOWING FEDERAL CIVIL RIGHTS ACTION(S) AND/OR STATE TORT CIVIL LAWSUIT(S) IN WHICH THE INDICATED OFFICER HAS BEEN NAMED AS AN INDIVIDUAL DEFENDANT. NOTE, THE DISPOSITION INFORMATION MAY NOT BE CURRENT:

1. RICHARD LAZARINI JR V. CITY OF NEW YORK, ET AL, 14-CV-06348 FILED IN THE EASTERN DISTRICT OF NEW YORK.

Disclosure # 2:

THE NYPD ISSUED CHARGES AND SPECIFICATIONS TO MOS CHEIKHALI, WHO PLED GUILTY TO EACH COUNT ARISING OUT OF AN INCIDENT ON OR ABOUT SEPTEMBER 23, 2012 AT APPROXIMATELY 2335 HOURS IN KINGS COUNTY, WHILE THE MOS WAS ASSIGNED TO THE 67TH PRECINCT AND ON DUTY:

ALLEGATIONS:

1. MOS CHEIKHALI, USED EXCESSIVE FORCE AGAINST A PERSON KNOWN TO THIS DEPARTMENT, IN THAT HE STRUCK SAID PERSON WITH HANDCUFFS.
2. MOS CHEIKHALI, USED EXCESSIVE FORCE AGAINST A PERSON KNOWN TO THIS DEPARTMENT, IN THAT HE REPEATEDLY KICKED SAID PERSON.

CASE STATUS: CLOSED ON 12/22/2016

ACTION TAKEN: LOSS OF TEN (10) VACATION DAYS

BASED UPON CCRB DOCUMENTS UP TO DATE THROUGH OCTOBER 13, 2020, THE PEOPLE ARE AWARE OF THE FOLLOWING CCRB SUBSTANTIATED AND/OR PENDING ALLEGATIONS AGAINST THIS OFFICER:

Disclosure # 3:

CCRB CASE: 201212317

REPORT DATE: 09/24/2012

INCIDENT DATE: 09/23/2012

CCRB SUBSTANTIATED ALLEGATIONS:

1. FORCE - OTHER BLUNT INSTRUMENT AS A CLUB

2. FORCE - PHYSICAL FORCE

NYPD DISPOSITION: # 2 RECEIVED A DISPOSITION OF ADMINISTRATIVE PROSECUTION UNIT GUILTY AND
FORFEITURE OF 10 VACATION DAYS

OTHER MISCONDUCT NOTED:

1. OTHER MISCONDUCT NOTED - OTHER MISCONDUCT

Eric Gonzalez
District Attorney
Kings County